

LEON VINES PULPWOOD,)	AGBCA No. 2000-125-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

May 25, 2001

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arose under Timber Sale Contract No. 029135, between Leon Vines Pulpwood of Amity, Arkansas, and the U. S. Department of Agriculture, Forest Service (FS), Ouachita National Forest, Jessieville District, Perryville, Arkansas. The dispute centered on the amount of acreage available for harvest on the contract. The FS acknowledged that there had been an error in acreage and as a result, issued a modification based on what it considered to be the available acreage. Appellant contested the FS figure and asserted that the FS recalculation still showed more acreage than what was actually available.

The Board has jurisdiction over this timely appeal pursuant to the Contract Disputes Act (CDA), 41 U.S.C. 601-613, as amended.

On October 28, 1999, the Contracting Officer (CO) issued a decision denying Appellant's claim for additional compensation and reiterated the FS position that its new calculation of acreage was correct. Appellant filed a timely appeal on January 13, 2000, and initially elected the Board's accelerated procedure. Almost immediately, however, Appellant requested to proceed on a non-accelerated basis.

The parties then advised the Board that they were attempting to reach a settlement on the matter and the Board advised that it would take no action pending advice from the parties as to settlement. By letter of December 12, 2000, the Board was advised by counsel for Appellant that settlement talks had broken down. The Board then set a hearing for March 7 and 8, 2001, at Hot Springs, Arkansas. On March 6, 2001, counsel for the FS notified the Board that the appeal had been settled. Under cover letter of April 9, 2001, the FS counsel forwarded a Settlement Agreement and Withdrawal of Claim. The agreement called for the appeal to be withdrawn and dismissed.

DECISION

The parties reached a settlement on this appeal. Accordingly, the appeal is dismissed.

HOWARD A. POLLACK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D. C.
May 25, 2001